

United States District Court

(2)

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

Criminal Complaint 07- 229M

GARY A. JOHNSON

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about November 7, 2007, in New Castle County, in the District of Delaware defendant, Gary A. Johnson did

Count I: forcibly assaulted, resisted opposed, impeded, intimidated and interfered with John Doe 1, a federal employee within the meaning of 18 U.S.C. § 1114, while John Doe 1 was engaged in and on account of the official performance of his duties, in violation of 18 U.S.C. § 111(a) and (b).

Count II: forcibly assaulted, resisted opposed, impeded, intimidated and interfered with John Doe 2, a federal employee within the meaning of 18 U.S.C. § 1114, while John Doe 2 was engaged in and on account of the official performance of his duties, in violation of 18 U.S.C. § 111(a) and (b).

Count III: assault by striking, beating and wounding John Doe 1 while within the special maritime and territorial jurisdiction of the United States in violation of 18 U.S.C. § 113(a)(4).

Count IV: assault by striking, beating and wounding John Doe 2 while within the special maritime and territorial jurisdiction of the United States in violation of 18 U.S.C. § 113(a)(4).

in violation of Title _____ United States Code, Section(s) see above.

I further state that I am a(n) Police Officer, Department of Veteran Affairs and that this complaint is based on the following facts: Official Title

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: YES

Ali McPherson
Signature of Complainant
Ali McPherson

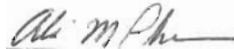
Sworn to before me and subscribed in my presence,

<u>November 14, 2007</u> Date	at <u>Wilmington, DE</u> City and State
<u>Honorable Leonard P. Stark</u> <u>United States Magistrate Judge</u> Name & Title of Judicial Officer	<u>Leonard P. Stark</u> Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

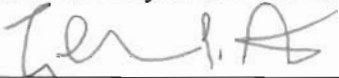
Your Affiant Ali McPherson, being duly sworn and deposed, states as follows:

1. Your Affiant is an officer with the Department of Veterans Affairs Police ("VA Police").
2. On November 7, 2007, VA Police assigned to the VA Medical Center in Elsemere, Delaware received a panic alarm from the mental health front desk about a disorderly patient.
3. Responding officers arrived at the scene and saw Gary A. Johnson swinging his arms wildly.
4. The officers ordered Johnson to the ground. They then interviewed a physician, John Doe 1, who stated that while discussing medications with Johnson, Johnson became angry, knocked John Doe 1 to the floor, grabbed John Doe 1 around the neck and choked him. A second physician, John Doe 2, stated that he intervened to calm Johnson down and Johnson struck him in the head. John Doe 1 and John Doe 2 are both federal employees. At the time John Doe 1 and John Doe 2 were assaulted, they were engaged in the performance of their official duties. Both John Doe 1 and John Doe 2 suffered bodily injury.
5. In sum, I believe there is probable cause that Gary A. Johnson violated 18 U.S.C. § 113(a)(4) and 18 U.S.C. § 111(a)(1) and (b).



Ali McPherson

Subscribed and sworn to before me on
this the 14th day of November 2007.



Honorable Magistrate Leonard P. Stark